

## REMARKS

This paper responds to the office action dated February 23, 2007. Reconsideration is hereby requested in view of the above claim amendments and these remarks.

Claims 1-24 are now cancelled, without prejudice. New claims 25-40 are added herewith.

The 35 U.S.C. § 101 rejection of cancelled claims 1, 11, 16 and 19 is traversed. These claims were not directed to mere “data structures” and thus should not have been subject to a section 101 rejection. Nevertheless, these claims are now cancelled, without prejudice, and thus the rejection is moot. New claims 25-40 are clearly directed to statutory subject matter under section 101. Claims 25-32 are directed to a statutory “method” of processing a voice call at a mobile device, and claims 33-40 are directed to a statutory “apparatus,” more specifically a mobile device.

The 35 U.S.C. § 103 rejection of cancelled claims 1-24 is also traversed. These claims are now cancelled, however, without prejudice, and thus further discussion of these specific claims is not necessary.

New claims 25-40 are clearly distinguishable from the cited art to Kamijo (US 6,996,445) and Cranfill (US 2003/0044028), which were the references applied against cancelled claims 1-24. Claim 25, for example, recites a method of processing a voice call at a mobile device comprising the acts of: (1) storing a safe volume profile at the mobile device associated with a handsfree mode of operation, the safe volume profile providing a default volume setting selected to reduce the risk of damage to a user’s hearing if the mobile device is operated in close proximity to the user’s ear while in the handsfree mode of operation; (2) answering an incoming call with the mobile device; (3) selecting one of a plurality of operational modes other than the

handsfree mode of operation to process the incoming call in a first selected operational mode having an associated regular volume profile that is higher than the default volume setting of the safe volume profile; (4) switching the mobile device from the first selected operational mode to a handsfree mode of operation while processing the incoming call; and (5) operating the mobile device in the handsfree mode of operation according to the safe volume profile so as to protect the hearing of the mobile device user. Support for this claim is set forth, for example, in Figure 5 of the present application, and accompanying description.

Neither of the cited references disclose or suggest the subject matter of claim 25. Specifically, neither reference discloses the processing of a voice call in a mobile device in which an incoming call is answered and processed according to a first selected operational mode having a regular volume profile and then subsequently the mobile device is switched to a handsfree mode of operation while processing the incoming call and the mobile device is then automatically operated according to a safe volume profile so as to protect the hearing of the mobile device user. By associating the claimed “safe volume profile” with the handsfree mode of operation and then automatically operating the device according to the lower, safer volume profile associated with the handsfree mode of operation, even if the user of the mobile device switches to handsfree mode while the device is still very close to their ear, the mobile device will not output an unsafe volume level from its handsfree speaker that could damage the user’s ear.

Neither Kamijo or Cranfill are related to protecting the hearing of a mobile device user when the device is in a handsfree mode of operation. Neither reference discloses the claimed “safe volume profile” associated with the handsfree mode of operation, and neither reference discloses the processing of a voice call in multiple modes in which multiple volume profiles can be associated with different modes of operation but the device protects the user’s hearing by

adjusting the volume to the safe volume profile if the device is switched from a first mode of operation to the handsfree mode. Kamijo does disclose different sound volume settings for different “applications” in a personal computer, but this teaching doesn’t come close to the specific teaching of claim 25 directed to multi-mode operation of a mobile communication device while processing an answered voice call and protecting the user’s hearing during this operation. Thus, neither reference discloses or suggests the subject matter of claim 25 and therefore the claim patentably distinguishes over these references.

The dependent claims 26-32 and apparatus claims 33-40 similarly distinguish over the cited art.

This application is now in condition for allowance.

Respectfully submitted,  
JONES DAY

A handwritten signature in dark ink, reading "David B. Cochran", written over a horizontal line.

David B. Cochran  
Reg. No. 39,142

Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7029